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ASSOCIATED GENERAL CONTRACTORS OF
AMERICA, SAN DIEGO CHAPTER, INC.
APPRENTICESHIP & TRAINING TRUST FUND

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOHIL KARIMY,

Plaintiff,

v.

ASSOCIATED GENERAL CONTRACTORS
OF AMERICA – SAN DIEGO CHAPTER,
INC., APPRENTICESHIP & TRAINING
TRUST FUND,

Defendant.

Case No. 08 CV 0297 L (CAB)

DECLARATION OF PETE SAUCEDO IN
SUPPORT OF DEFENDANT
ASSOCIATED GENERAL
CONTRACTORS OF AMERICA, SAN
DIEGO CHAPTER, INC.
APPRENTICESHIP & TRAINING TRUST
FUND'S MOTION TO DISMISS WITH
PREJUDICE
[FED.R.CIV.P. §12(b)(1)]

Judge M. James Lorenz

Date: June 23, 2008
Time: 10:30 a.m.
Ctrm: 14

I, Pete Saucedo, declare:

1. I am employed by Associated General Contractors of America, San Diego Chapter, Inc. Apprenticeship and Training Trust Fund ("Trust Fund") as the apprenticeship and training director of the apprenticeship training program funded through the Trust Fund ("Training Program") and sponsored by the Associated General Contractors of America, San Diego Chapter, Inc. ("AGC San Diego"). I have held that position since 2001. If called upon to testify, I can truthfully and competently do so as to all facts set forth herein based upon my personal knowledge.

DECLARATION OF PETE SAUCEDO IN SUPPORT OF DEFENDANT'S MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
Case No. 08 CV 0297 L (CAB)

1 2. As the apprenticeship and training director of the Training Program, I am
2 responsible for the day to day operations of the Training Program. I am also familiar with the
3 hiring of the Trust Fund employees, such as the Training Program coordinators, directors,
4 instructors, and staff employees. In this capacity and on behalf of the Trust Fund, I interact
5 with state officials, school district employees, contractors, apprentices, community
6 organizations, and the general public.

7 3. The Training Program funded through the Trust Fund provides training and
8 education to registered apprentices working in the construction industry on private and
9 public construction projects throughout San Diego, Orange, Riverside, San Bernardino, and
10 Imperial Counties. The Training Program is funded by contributions to the Trust Fund from
11 participating employers who are members of AGC San Diego, in addition to state-provided
12 funds and certain federal grants.

13 4. The Training Program is designed to meet the needs of participating
14 contractors who want to employ and train apprentices on State of California public works,
15 federal Davis-Bacon Act, and private construction projects.

16 5. The Training Program has been approved by the State of California Division of
17 Apprenticeship Standards and the federal Department of Labor Office of Apprenticeship for
18 the following trade classifications: carpenter, cement mason, drywall lather, drywall finisher,
19 heavy equipment operator, painter, and laborer, tile setter and tile finisher.

20 6. AGC San Diego is a chapter of the Associated General Contractors of
21 America ("AGC"), which is located in Arlington, Virginia. The AGC is a national construction
22 trade association, which, in coordination with its local chapters, provides trade association
23 services to participating contractors throughout the United States.

24 7. The Training Program, through the Trust Fund, periodically purchases safety
25 and other materials from AGC. Many of these materials are manufactured outside of
26 California.

27 8. The Training Program, through the Trust Fund, also purchases textbooks from
28 publishers located throughout the United States. Many of the textbooks utilized in the

1 Training Program are published outside of California. The cost of textbooks purchased from
2 these publishers exceeds \$40,000 a year.

3 9. In addition, the Training Program, through the Trust Fund, purchases welding
4 supplies from Praxair, Inc., whose worldwide headquarters are located in Danbury,
5 Connecticut, and commercial tools from various national retailers. Many of these welding
6 supplies and commercial tools are manufactured outside of California.

7 10. The Training Program advertises its programs and services on the World Wide
8 Web at <http://www.agcsdatt.org/>. In addition, I personally communicate on a regular basis,
9 on behalf of the Trust Fund, with individuals and entities, including AGC Chapters and the
10 AGC national office outside of California. I personally use the telephone, U.S. Postal
11 Service, facsimile machines and the Internet to communicate with such individuals and
12 entities.

13 11. In April 2003, plaintiff, Sohil Karimy ("Karimy"), became employed by the Trust
14 Fund as a coordinator for the Training Program in Orange County, California.

15 12. As Coordinator, Karimy's duties involved recruiting contractors, recruiting
16 apprentices, overseeing instructors at the Orange County facility, interacting with
17 apprentices as their advocate, and facility oversight. Subsequently, Karimy was employed
18 as the coordinator in San Diego, California.

19 13. In April 2006, Karimy was promoted to director of operations and education for
20 the Training Program, in which he primarily was responsible for managing and supervising
21 coordinators employed by the Trust Fund and developing and coordinating all aspects of the
22 Training Program education and curriculum.

23 14. As the direct supervisor for coordinators, Karimy's responsibilities included
24 giving new hire orientations to the coordinators, during which, among other things, he
25 explained the Trust Fund employee handbook, policies and procedures, the Confidentiality
26 Agreement, and the At-Will Employment and Arbitration Agreement to new hires.

27 15. As education director, Karimy purchased textbooks on behalf of the Trust
28 Fund for the Training Program from various publishers located throughout the United States.

1 Karimy purchased textbooks approximately five times a year, at the start of each semester,
2 and the cost of textbooks purchased from such publishers exceeded \$40,000 a year. Many
3 of the textbooks were published outside of California.

4 16. As director, Karimy also purchased on behalf of the Trust Fund commercial
5 tools for the Training Program from national retailers, including White Cap Construction
6 Supply and The Home Depot U.S.A. Inc. Many such commercial tools were manufactured
7 outside of California. For example, Karimy purchased Skill brand saws that are
8 manufactured in the State of Illinois.

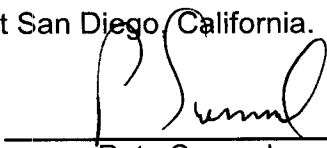
9 17. Employees of the Trust Fund attend conferences, meetings, and educational
10 seminars outside of California. For example, in July 2006, Karimy attended a Western
11 Conference Training Directors Meeting in the State of Alaska, which included individuals
12 from AGC chapters in 15 states who met to discuss education and training.

13 18. In July 2007, Karimy attended another Western Conference Training Directors
14 Meeting in the State of Wyoming, which included individuals from AGC chapters in 15 states
15 who discussed education and training.

16 19. Karimy's employment with AGC Trust was terminated on September 17, 2007.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed on this 21st day of March 2008 at San Diego, California.

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22 _____
23 Pete Saucedo
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